

From: Grove, Tami

Sent: Friday, November 21, 2014 4:56 PM

To: CEQA Guidelines

Subject: CCC Comments on Updates to the CEQA Guidelines Implementing Senate Bill 743 (Steinberg, 2013)

To Whom It May Concern,

Thank you for the opportunity to review the preliminary discussion draft of updates to the CEQA Guidelines implementing Senate Bill 743 (Steinberg, 2013). California Coastal Commission (Commission) staff offers the following initial feedback on OPR's August 6, 2014 proposed updates for addressing the evaluation of transportation impacts under CEQA. We would be happy to discuss any of these comments further if so desired.

Commission staff supports the proposal to shift analyses away from level of service and use vehicle miles traveled (VMTs) to measure transportation impacts. In fact, the Coastal Act, which was enacted in 1976, mandates that all new development in the coastal zone must minimize adverse impacts. In particular, Public Resources Code section 30253(d) specifically requires new development to minimize energy consumption and VMTs. Further, although the Coastal Act requires adequate public services (including road capacity) to be available before new development can be approved, and it requires public access to the coast to be protected and maximized, it does not require road capacity to be available at certain levels of service (LOS). We recognize that there are certified local coastal program (LCP) policies that use LOS to set standards for road capacity and mitigation requirements. However, it is possible for LCP amendments to replace the LOS standard with an alternative measure, such as VMT, as long as the Commission can find that the new LCP policy, as amended, is consistent with the Coastal Act.

We also support the proposal to include Appendix E, which explains possible processes for estimating VMT from roadway capacity-increasing projects. As noted above, the Coastal Commission, and its local government partners that share in the implementation of the Coastal Act, are responsible for considering the minimization of energy use and VMT in the approval of development proposals and LCPs in the coastal zone. Having this additional guidance for that analysis, and ensuring that it is developed through the CEQA process, will improve our ability to meet those statutory requirements. In addition, as the Coastal Act includes strong protections against growth-inducing development outside urbanized areas and requires Highway 1 to remain a two-lane road in rural areas, the proposed CEQA guidelines offer additional support for more consistently evaluating growth inducement and appropriately maintaining existing lane capacity in rural areas.

We note that proposed Guidelines section 15064.3(b)(1) states that development that results in VMT that is greater than the regional average for the subject land use type may indicate a significant impact. We agree that such a development may result in a significant impact, but also are concerned that if the "regional average" is used as the threshold for a significant impact, this may work against realizing actual *reductions* in auto trips generated and trip distances within that region. That is, it seems that the tendency will be to look at meeting the "regional average" in any development proposal in order to avoid a finding of "significant impact," but this could result in simply maintaining the status quo since VMT would continue to grow as development occurs at a similar rate as in the past. We suggest that additional consideration be given in this area as to how the CEQA guidelines relative to a finding of significant impact might include a different threshold that more directly ties into the State's goals for overall greenhouse gas emission reductions.

Proposed Guidelines section 15064.3(b)(1) also states that projects located within one half mile of a major transit stop or a major high quality transit corridor generally may be considered to have a less than significant transportation impact. Although we agree that proximity to convenient transit service can be a major factor in reducing VMT, an automobile-oriented development should not be able to avoid review of transportation impacts simply because a major transit stop is located nearby. The Guidelines should note situations in which a presumption of no significant impact would be inappropriate, for example, where the uses of a proposed development inherently involve heavy automobile use or where features of the development such as excessive parking supply or inconvenient pedestrian access are likely to discourage modes of transportation other than the automobile.

We also have the following comments relative to the proposed amendments to Appendix F:

- (1) Section II.A identifies elements that should be included in the Project Description section of the EIR and we recommend adding the project's estimated VMT to this list.
- (2) Section II.C identifies potential environmental impacts that should be evaluated and we recommend that, for road improvement projects, the project's induced VMT demand should be added to this list.

While we generally support the inclusion of the new Section 15064.3 in the proposed Guidelines, we do have a couple of suggestions relative to Section 15064.3(b)(2) and (b)(3). First, we suggest that language be added to Section 15064.3(b)(2) to require that transportation projects be evaluated not only for induced traffic demand, but also for whether their design prevents or discourages walking, biking and transit ridership.

Secondly, considerations at (b)(3)(A) might be broadened beyond localized effects and to account for the fact that when alternative transportation modes are made less desirable or less safe, people may drive instead, increasing VMTs. (And, of course, conversely, the more available and desirable alternative transportation modes are, the greater the potential for diverting motor vehicle trips.) In subsection (A), we believe that it would be more appropriate to use the term "e.g." instead of "i.e." because there are other examples, such as reducing widths of pedestrian paths or bikeways and relocating pedestrian or bicycle facilities to more hazardous or less convenient locations. Also the use of the phrase "in vehicle conflict areas" within subsection (A) is too limiting. Removing, reducing or adversely relocating bicycle or pedestrian facilities can result in adverse transportation impacts even outside of vehicle conflict areas. If a bike or pedestrian facility is made less desirable to use, then use will likely decrease in favor of taking a motor vehicle trip instead. Thus, we recommend rewording similar to the following:

(3) Local Safety. In addition to a project's direct effect on vehicle miles traveled, a lead agency ~~may~~ should also consider localized and other effects of project - related transportation on safety and vehicle use. Examples of objective factors that may be relevant may include

(A) Increase exposure of bicyclists and pedestrians in vehicle conflict areas and/or decrease in bicycling or walking opportunities (~~i.e.,~~ e.g., remove, narrow or relocate to less desirable locations pedestrian and bicycle facilities, increase roadway crossing times or distances, etc.)

Finally, we note that the guidelines indicate that lead agencies have discretion to apply or modify previously adopted mitigation measures. We note that previously adopted mitigation measures may have been incorporated into coastal development permits, or other regulatory requirements, and the authority to revise mitigation measures pursuant to CEQA does not necessarily extend to other applicable legal requirements. We believe that this should be clearly stated within the guidelines.

Sincerely,

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